IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12654 of 2005

Between:

Narsing Pershad
R/o.H.No.15-1-423, Old Feelkhana Hyderabad.

..... PETITIONER

AND

1 The station House Officer Begum Bazar Police Station, Hyderabad.
2 Prabhuji Patangay S/o.Kishanji Patangay
R/o.15-1-440, Old Feel Khana, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 in interfering with the civil dispute between the petitioner and respondent No.2 with regard to property bearing municipal No.15.1.423, old Feel Khana, Hyderabad and thereby calling the petitioner to Begum Bazar Police Station as highly illegal and arbitrary any other relief deemed fit and proper be also granted to the petitioner.

Counsel for the Petitioner:MR.ABDUL NAJEEB KHAN

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: MR.VILAS AFZALPURKAR

The Court at the stage of admission made the following :

ORDER:

Petitioner complains that the 1st respondent at the instance of the 2nd respondent is interfering and coercing the petitioner to settle the dispute with the 2nd second respondent.

The petitioner's grievance is that the 2nd respondent preferred the complaint to the 1st respondent stating that he is making unauthorized construction over his property, which is interference with the beneficent enjoyment of the 2nd respondent's property. On such a complaint, which is civil in nature, the 1st respondent called him to the Police Station on 7-6-2004,9-6-2004 and 13-6-2004 and directed the petitioner to settle the dispute with the second respondent.

Heard the learned counsel for the petitioner and the learned Government pleader for the 1st respondent and the learned counsel MR. Vilas Afzalpurkar, for the respondent No.2.

On behalf of the 2nd respondent, it is not asserted or established that the complaint is with regard to commission or threat of commission of any cognizable offence by the petitioner.

In the circumstances, the first respondent has no manner of jurisdiction or authority to investigate into such a complaint. If the second respondent has any grievance against the specified conduct of the petitioner, the second respondent has ample opportunities and remedies against the petitioner in a civil court of competent jurisdiction. Inviting the Police to settle civil disputes would disturb the delicate harmony of separation of powers between the civil and police administration.

For the aforesaid analysis, the writ petition is allowed directing the first respondent to refrain from interfering in civil disputes between the petitioner and the 2nd respondent. No order as to costs.

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Goda Raghuram,J

05-07-2005

Stp

To

1 The station House Officer Begum Bazar Police Station, Hyderabad.
2 Prabhuji Patangay S/o.Kishanji Patangay
R/o.15-1-440, Old Feel Khana, Hyderabad

3. Two CCs to G.P. for Home, High Court Buildings,Hyderabad,(OUT).

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